

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CHANCHAI TARANURUKKUL,**

**Plaintiff,**

**V.**

**LINCOLN NATIONAL CORPORATION,** )  
**Parent Company of and d/b/a in the** )  
**State of Nebraska as Lincoln Financial** )  
**Group, and JEFFERSON-PILOT** )  
**CORPORATION, Parent Company of** )  
**Jefferson-Pilot Financial, a group of** )  
**companies merged with and n/k/a** )  
**Lincoln National Corp.,** )

**Defendants.**

**CASE NO. 8:08CV276**

## ORDER

This matter is before the Court on the Court's own motion regarding the filing of an amended complaint by the Plaintiff (Filing No. 26). The filing does not comply with the Court's Order of November 10, 2008. Plaintiff has failed to correct the caption of the complaint to reflect that it is a second amended complaint and has failed to file the complaint as a second amended complaint.<sup>1</sup> In addition, the Amended Complaint as filed (Filing No. 26) contains a paragraph, 37.B., that does not appear in the proposed amended complaint attached to Plaintiff's Motion for Leave to File Amended Complaint (Filing No. 22). For these reasons, the Plaintiff's Amended Complaint (Filing No. 26) will be stricken and Plaintiff will be directed to file a Second Amended Complaint that is identical to the proposed amended complaint (Filing No. 22) with the exception of the corrected caption.

<sup>1</sup>Two previous Amended Complaints were filed in this matter on July 18, 2008, and August 4, 2008, (Filing Nos. 4 and 5), prior to the reassignment of the case to the undersigned.

Accordingly,

IT IS ORDERED:

1. The Clerk's Office shall strike Plaintiff's Amended Complaint (Filing No. 26);
2. Plaintiff shall correct the caption of the proposed amended complaint, as attached to Filing No. 22, to reflect that it is the **Second Amended Complaint**;
3. Plaintiff shall file and serve the **Second Amended Complaint** as a separate document, on or before December 1, 2008; and
4. Defendants shall then respond to the **Second Amended Complaint** within the time allowed by Fed. R. Civ. P. 15(a)(3).

DATED this 24<sup>th</sup> day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge